

North Dakota Board of Nursing Meeting Minutes – March 10, 2005

Call to Order: March 10, 2005 at 8:40 a.m. – Board Office Conference Room, 919 S 7th Street, Ste 504, Bismarck ND

Roll Call: Nine board members present as follows:

Claudia Dietrich, RN, President	Barbara Ding, RN
JoAnn Sund, RN, Vice-President	Donna Hegle, RN
Roxane Case, Public Member, Treasurer	Renee Olson, LPN
Metta Schell, LPN	Mary Tello-Pool, LPN
Helen Melland, RN	

Staff Present:

Constance Kalanek, RN, Executive Director	Karla Bitz, RN, Associate Director
Patricia Hill, RN, Asst. Director for Practice & Discipline	Linda Shanta, RN, Associate Director for Education (absent 1/21/2005)
Julie Schwan, Admin Services Coordinator	

Other observers present are indicated on the meeting roster.

Agenda Item	Action										
Environmental Scan	A note of thanks was shared with the Board from Mary Wakefield. Issues discussed during the environmental scan included a summary of the following: Dakota Conference for Rural and Public Health on March 8 th and 9 th , TERCAP meeting of NCSBN, and a conference on safe patient handling and movement. Other issues discussed related to the workplace included a new work role of staff nursing versus administration, fielding inquiries regarding on-line nursing programs, and issues related to 12 hour shifts. UND has completed a major curriculum change of the undergraduate program, Trinity Medical Center is participating in Save a Hundred Thousand Lives program, and an update on the Red Cross disaster issues was shared.										
1.1 Consent Agenda	<i>Discussion:</i> The board reviewed the consent agenda. <i>Motion:</i> Olson, seconded by Schell to: ADOPT THE CONSENT AGENDA AS DISTRIBUTED. <i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, yes; Hegle, yes; Melland, absent; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 8 yes, 0 no, 1 absent. Motion carried.										
1.2 Agenda	<i>Discussion:</i> The agenda was reviewed as distributed. No changes were identified. <i>Motion:</i> Hegle, seconded by Olson to: ADOPT THE AGENDA AS DISTRIBUTED. <i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, yes; Hegle, yes; Melland, absent; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 8 yes, 0 no, 1 absent. Motion carried.										
1.32 Open Forum (9:00 a.m.)	No one was present to address the board during open forum.										
2.1 January 20-21, 2005 Meeting Minutes	<i>Discussion:</i> The minutes of the January 20-21, 2005 meeting were reviewed. Kalanek reviewed corrections suggested by Bergeson as follows: Page 3, agenda item 4.51 line 5, replace "Bitz presented the factual findings of the case" with "Bitz presented the findings of the investigation". On page 5, agenda item 4.56, add "and one correction" in the last line to read "Bergeson reviewed the facts of the complaint, and noted two clarifications and one correction from the ALJ's Recommended Findings of Fact." <i>Motion:</i> Tello-Pool, seconded by Case to: APPROVE THE MINUTES OF THE JANUARY 20-21, 2005 MEETING AS AMENDED. <i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, yes; Hegle, yes; Melland, abstain; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 8 yes, 0 no, 1 abstain, 0 absent. Motion carried.										
3.1 Financial Statements	Financial Statements through February 28, 2005 were reviewed. Income is at 92% and expenses 73% of budgeted amounts. The board reviewed the comparison in actual expenditures to date from last year to this year.										
3.2 Strategic Plan	The board reviewed the progress of the 2004-2005 Strategic Planning. Kalanek indicated that the Executive Committee will begin planning for the 2005 retreat and requests any suggestions for a speaker be forwarded to her.										
4.1 Administrative Settlement for Practice Without a License/Registration	<i>Discussion:</i> Two individuals have submitted administrative settlements for practice without a license/registration since the last meeting. <i>Motion:</i> Hegle, seconded by Schell to: ACCEPT THE ADMINISTRATIVE SETTLEMENTS FOR PRACTICE WITHOUT A LICENSE/REGISTRATION FOR THE FOLLOWING: <table><tr><td>Sims, Bonnie</td><td>100640</td><td>Grand Forks, ND</td><td>Reprimand</td><td>\$200</td></tr><tr><td>Swanson, Kristie</td><td>Applicant; L10907</td><td>Fargo, ND</td><td>Reprimand</td><td>\$400</td></tr></table> <i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.	Sims, Bonnie	100640	Grand Forks, ND	Reprimand	\$200	Swanson, Kristie	Applicant; L10907	Fargo, ND	Reprimand	\$400
Sims, Bonnie	100640	Grand Forks, ND	Reprimand	\$200							
Swanson, Kristie	Applicant; L10907	Fargo, ND	Reprimand	\$400							

**North Dakota Board of Nursing
Meeting Minutes – March 10, 2005**

AGENDA ITEM	ACTION
<p>4.51 – Hearing – Jeannette Lipsh, 93098UAP 3/10/05 9:15 Hearing with SAAG</p>	<p><i>Discussion:</i> Brian Bergeson, SAAG, was present for a hearing for Jeanette Lipsh, UAP. Eight board members were present, Melland was absent. Ms. Lipsh was not present at the hearing. A complaint was filed against Ms. Lipsh for violation of NDCC 43-12.1-14 (1) on December 15, 2004 by certified mail. Bergeson indicated Ms. Lipsh was also sent a voluntary surrender. Ms. Lipsh sent a response to the complaint, and many of the comments related to the Voluntary Surrender proposal. The board reviewed the information submitted by Ms. Lipsh. Bitz reviewed the alleged facts and evidence of the complaint. Melland returned for the hearing at this time. The complaint that was filed against Ms. Lipsh was due to a criminal conviction. The board reviewed a returned voluntary surrender document with notations made by Ms. Lipsh. In her response, Ms. Lipsh argued that the criminal offenses were not related to her practice as an unlicensed assistive person.</p> <p><i>Motion:</i> Olson, seconded by Ding that:</p> <ul style="list-style-type: none"> ◆ THE FACTS IN THE CASE AGAINST JEANETTE LIPSH, UAP, HAVE BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE, ◆ THAT THE ALLEGATIONS OF THE COMPLAINT DULY REFLECT VIOLATIONS OF NDCC 43-12.1-14 (1); AND ◆ THAT THE BOARD DIRECT LEGAL COUNSEL TO PREPARE THE PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER FOR JEANETTE LIPSH, UAP TO: <ul style="list-style-type: none"> ➢ REVOKE HER UAP REGISTRATION ➢ ASSESS A \$300.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ➢ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
<p>4.52 Hearing – Diana Keess, R 28358 3/10/05 - 9:25 a.m. Executive Session</p>	<p><i>Discussion:</i> Bergeson opened the hearing to review and consider the recommended findings of fact, conclusions of law, and order. A hearing was held before Administrative Law Judge Al Hoberg on February 2, 2005. The record of this case was made confidential by the Administrative Law Judge, and the board went into Executive Session for the discussion regarding the confidential records.</p> <p><i>Motion:</i> Olson, seconded by Tello-Pool to:</p> <p>CALL AN EXECUTIVE SESSION TO DISCUSS THE CONFIDENTIAL RECORDS IN THE CASE OF DIANA LEIGH KEESS.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p> <p>An Executive Session was called at 9:40 a.m., with all nine board members, Bergeson, Kalanek, and Bitz being the only individuals in the room. The Executive Session closed at 10:15, and the board went back to open session. Bergeson reviewed the alleged facts of the complaint, the proposed conclusions of law which sites violations of NDCC 43-12.1-14 (1) (3) (5) (6) and NDAC 54-02-07-01.1 (5) (6) (7) (12), and the recommendations of the Administrative Law Judge.</p> <p><i>Motion:</i> Sund seconded by Olson to:</p> <p>ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER IN THE CASE OF DIANA LEIGH KEESS, RN, AND DIRECT LEGAL COUNSEL TO PREPARE THE NECESSARY BOARD ORDER TO:</p> <ul style="list-style-type: none"> ◆ REVOKE HER RN LICENSE; ◆ ASSESS A TOTAL PENALTY FEE OF \$3200.00; ◆ ASSESS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
<p>4.61 Request for Reinstatement – Constance Boner, L6246</p>	<p><i>Discussion:</i> Constance Boner was present for an appearance before the board to request reinstatement of her encumbered LPN license to full status. Hill reviewed Ms. Boner's current board order, and terms and conditions of the encumbrance. Ms. Boner has completed the terms and conditions or her order.</p> <p><i>Motion:</i> Melland, seconded by Case to:</p> <p>ACCEPT CONSTANCE BONER'S APPLICATION FOR REINSTATEMENT OF HER LPN LICENSE TO FULL PRIVILEGE LICENSURE STATUS AS SHE HAS COMPLIED WITH THE TERMS AND CONDITIONS OF HER BOARD ORDER DATED JULY 17, 2003.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>

North Dakota Board of Nursing Meeting Minutes – March 10, 2005

AGENDA ITEM	ACTION
4.62 Request for Reinstatement – Rachel Harding, L10584	<p><i>Discussion:</i> Rachel Harding was present for an appearance before the board to request reinstatement of her encumbered LPN license to full status. Hill reviewed Ms. Harding's current board order, and terms and conditions of the encumbrance. Ms. Harding has completed the terms and conditions of her order.</p> <p><i>Motion:</i> Melland, seconded by Olson to: ACCEPT RACHEL HARDING'S APPLICATION FOR REINSTATEMENT OF HER LPN LICENSE TO FULL PRIVILEGE LICENSURE STATUS AS SHE HAS COMPLIED WITH THE TERMS AND CONDITIONS OF HER BOARD ORDER DATED MARCH 18, 2004.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, recuse; Tello-Pool, yes. 8 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>
5.1 NDSCS Initial Approval ASN program	<p><i>Discussion:</i> NDSCS has submitted an Associate of Science Program for registered nurse licensure for initial approval. Representatives from the NDSCS nursing program that were present were Marsha Trom, Dept Chair; and three faculty members. This program will be an additional program to the Associate of Applied Science for LPN, with an additional academic year. It was noted that one must have an AASPN or ASPN in order to be admitted to the registered nurse program. Shanta indicated the program had notified the board about the program two years ago, and the program chair has been working with board staff for the past two years. Shanta performed a site visit on February 23, 2005. Shanta reported no areas of non-compliance or partial compliance as an initial program. As the program development progresses, the framework for meeting the additional requirements is evident. Shanta observed a clinical lab set up, and indicated the NDSCS has received a grant to further expand the clinical laboratory sites. Shanta indicated that the faculty commitment was very evident and that college administration relied on nursing department for expertise. A noted challenge was to obtain appropriate clinical experience for the programs. The program plans to admit 20 students in the fall of 2005.</p> <p><i>Motion:</i> Olson, seconded by Ding that:</p> <ul style="list-style-type: none"> ◆ THE BOARD FIND THAT THE ND STATE COLLEGE OF SCIENCE ASSOCIATE IN SCIENCE NURSING PROGRAM IS PROGRESSING SATISFACTORILY TOWARD COMPLIANCE WITH NDAC 54-03.2 AND GRANT INITIAL APPROVAL THROUGH MARCH 2006; AND ◆ REQUIRE A FOCUSED ON-SITE SURVEY TO BE CONDUCTED PRIOR TO MARCH 2006 TO INCLUDE; <ul style="list-style-type: none"> A. CLINICAL FACILITIES USED FOR CLINICAL INSTRUCTION B. ADEQUACY OF FINANCIAL SUPPORT C. PROGRAM COORDINATOR AND FACULTY REQUIREMENTS AND QUALIFICATIONS D. STUDENT SATISFACTION E. REVISIONS TO PROGRAM EVALUATION F. CURRICULUM DEVELOPMENT <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
5.21 Request for approval of changes to Dakota Nurse Program	<p><i>Discussion:</i> The Dakota Nurse Practical Nurse program has submitted three requests for approval to their nursing program. Shanta reported that the first request was to add a three credit pharmacology course to the Dakota Practical Nurse curriculum. Based on the evidence that the program supplied, this is a reasonable request to remediate those currently in the program. The board commended the program for recognizing the need for the additional course and taking immediate action.</p> <p><i>Motion:</i> Tello-Pool, seconded by Schell to: GRANT APPROVAL TO THE DAKOTA PRACTICAL NURSING PROGRAM TO ADD A 3 CREDIT PHARMACOLOGY COURSE TO THE CURRICULUM OF THE CERTIFICATE PRACTICAL NURSE PROGRAM.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p> <p><i>Discussion:</i> The second request was to initiate a distance delivery of the Dakota Practice Nurse Program from MSU-Bottineau to Rugby starting Fall 2005. The Rugby site was included in the initial proposal, so site has been surveyed. However, the Rugby site was dropped from the initial proposal so it would need to be added as a program change. Staff recommends deferring action until July meeting, after the scheduled June survey. The board discussed the lack of diverse clinical experience in very rural sites. Shanta indicated that the US Dept of Education Recognition of the board requires the integrity of the program approval processes be maintained. Deferring action is not intended to hinder the program, but to have the initial program reviewed prior to expanding. Kalanek indicated staff will continue to consult with program to achieve compliance with rules.</p> <p><i>Motion:</i> Sund, seconded by Olson to: DEFER APPROVAL FOR INITIATING A DISTANCE DELIVERY TO THE DAKOTA PRACTICAL NURSING PROGRAM FROM MSU-BOTTINEAU TO RUGBY UNTIL AFTER THE ONSITE SURVEY (JUNE 13-16) FOR CONTINUING INITIAL APPROVAL.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 8 yes, 0 no, 1 absent. Motion carried.</p>

**North Dakota Board of Nursing
Meeting Minutes – March 10, 2005**

AGENDA ITEM	ACTION
5.21 Request for approval of changes to Dakota Nurse Program (cont)	<p><i>Discussion</i> The third request was to initiate a distance delivery of the Dakota Practical Nursing Program to Ft Berthold Community College in the Fall of 2005. Ft. Berthold Community College has not previously been identified as a site, and would need to be surveyed. The board discussed how the distance program at Ft. Berthold was first noticed to the board. The role of the Ft Berthold Community College is not clear in terms of the consortium and what the role will be in awarding the degree.</p> <p><i>Motion:</i> Olson, seconded by Case to: DEFER APPROVAL FOR INITIATING A DISTANCE DELIVERY TO THE DAKOTA PRACTICAL NURSING PROGRAM FROM WILLISTON STATE COLLEGE TO FORT BERTHOLD COMMUNITY COLLEGE UNTIL AFTER THE ONSITE SURVEY (JUNE 13-16) OF THE DAKOTA PRACTICAL NURSING PROGRAM, INCLUDING AN ONSITE SURVEY OF THE ACADEMIC AND CLINICAL LABORATORY SPACE AND EQUIPMENT DESIGNATED FOR THE PROGRAM DELIVERY. ADDITIONALLY THE PROGRAM SHOULD CLARIFY THE ROLE OF FORT BERTHOLD COLLEGE (FBCC) IN THIS CONSORTIUM.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 8 yes, 0 no, 1 absent. Motion carried.</p>
5.42 Ratification of approval of workshop etc for contact hours	<p><i>Discussion:</i> A list of workshops or courses approved by board staff for contact hours as of 3/4/2005 was reviewed for ratification.</p> <p><i>Motion:</i> Sund, seconded by Case to: RATIFY APPROVAL OF THE WORKSHOPS FOR CONTACT HOURS SUBMITTED TO THE ND BOARD OF NURSING, WHICH INCLUDES COURSE #536 THROUGH #543.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, absent. 8 yes, 0 no, 1 absent. Motion carried.</p>
6.1 Clarification of NDCC 43-12.1-09 Initial Licensure and Registration and Chapter 54-02-06 License by Endorsement	<p><i>Discussion:</i> The administrative rules for license by endorsement require that programs meet the requirements as set out in NDAC Article 54-03.2. In order to meet those requirements, it was discussed that an applicant would need to have clinical experience throughout the life span in order to qualify for endorsement according to NDAC 54-02-06. The board discussed options for those who complete a program without clinical experience across the lifespan and discussed the recommendation of using 400 hours of practice in another state to qualify for licensure by endorsement. The board discussed whether practice as an LPN would be sufficient for an RN program, and the general consensus was that the practice would need to be at the level of licensure the applicant was seeking.</p> <p><i>Motion:</i> Sund, seconded by Ding that: THE BOARD APPROVE THE CLARIFICATION FOR LICENSE BY ENDORSEMENT FOR ACCEPTING APPLICANTS FOR LICENSE BY ENDORSEMENT.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
6.2 Revised Requirement for Licensure Renewal – FAQ's	<p><i>Discussion:</i> The board discussed the Frequently Asked Questions document regarding licensure renewal requirements and a commonly asked question regarding use of CE that is also being used for licensure or certification in another field. Staff have been informing callers that this practice is not allowed. The board reviewed the requirements, and discussed the issue of a nurse using the same CE for EMT and nursing, and that it would be impossible to know if one is using the same CE. The board by consensus agreed that CE used for licensure or certification in another healthcare field can be used to fulfill the nursing CE renewal requirements. The board also discussed allowing the refresher course CE to be used for the first licensure renewal, in addition to the reactivation, based on the rationale that newly licensed nurses are able to use academic courses in the same way.</p> <p><i>Motion:</i> Olson, seconded by Sund to: ACCEPT THE REVISED "REQUIREMENTS FOR LICENSURE RENEWAL – FREQUENTLY ASKED QUESTIONS" AS DISCUSSED.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
6.3 Member Board Item Review Report	<p>The board reviewed a letter from NCSBN related to the NCLEX item review session and the questions that board members had during the review. All issues were addressed by the Examination Committee and the decisions on the items were shared in the letter.</p>
6.4 Renewal/Reactivation of RN 2005-2006 License – Harriet Gibbons	<p><i>Discussion:</i> Harriet Gibbons has applied for a 2005-2006 RN licensure reactivation. Ms. Gibbons has not been licensed as a registered nurse since 12/31/2001, so does not meet the practice hour requirements. Ms. Gibbons has been practicing as a Physician Assistant during this time frame. The minutes of the September 2000 meeting were reviewed in that the board adopted a recommendation to accept physician assistant license utilizing appropriate documentation as meeting the nursing practice hours. Prior to that time the board did not allow those hours to be applied to nursing practice hours. The board discussed Ms Gibbons reactivation application.</p> <p><i>Motion:</i> Sund, seconded by Olson to: APPROVE HARRIET GIBBONS APPLICATION FOR 2005-2006 RN LICENSURE REACTIVATION.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>

**North Dakota Board of Nursing
Meeting Minutes – March 10, 2005**

AGENDA ITEM	ACTION
7.11 Nursing Needs Study	Kalanek indicated that the survey that was available with the past years licensure renewal had a low return rate. A poster with results that was presented at the Dakota Nurse Conference was shared with the board.
7.12 Board Opinion – Moderate Sedation	<p><i>Discussion:</i> The board reviewed the advisory opinion on the Role of the RN in the Management of Patients Receiving Moderate Sedation/Analgesia for Therapeutic, Diagnostic, or Surgical Procedures. Sund reviewed recommendation to eliminate sections D and E of the current advisory opinion and develop a separate advisory opinion related to administering pharmaceutical drugs classified as anesthetic agents used for the purpose of sedation for the patient in a controlled environment with a secure airway. The board reaffirmed that the administration or management of patients receiving anesthetic agents used for the purpose of sedation is outside of the scope of practice of the LPN. .</p> <p><i>Motion:</i> Olson, seconded by Ding to: APPROVE THE PROPOSED REVISIONS TO THE ADVISORY OPINION “ROLE OF THE RN IN THE MANAGEMENT OF PATIENTS RECEIVING MODERATE SEDATION/ANALGESIA FOR THERAPEUTIC, DIAGNOSTIC, OR SURGICAL PROCEDURES”.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, yes; Hegle, yes; Melland, absent; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
7.12 Board Opinion – Moderate Sedation (cont.)	<p><i>Discussion:</i> The board reviewed the newly created advisory opinion on the “Administration of Anesthetic Agents by the RN”.</p> <p><i>Motion:</i> Hegle, seconded by Schell to: ADOPT PROPOSED ADVISORY OPINION ON “ADMINISTRATION OF ANESTHETIC AGENTS BY THE RN”.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, yes; Hegle, yes; Melland, absent; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 8 yes, 0 no, 1 absent. Motion carried.</p>
7.13 Role of the LPN in Critical Access Hospitals	<p><i>Discussion:</i> The board office has received a call from LPNs who were required to do primary assessments in the Emergency Room in a critical access hospital. The LPNs were concerned this was outside their scope of practice. The board reviewed the CMS federal ruling related to critical access hospitals, as well as the Department of Health’s administrative rules. Their rules indicate if there are no acute patients, one shift out of 24 hours can be covered by an LPN, and an RN must be on call and available within twenty minutes at all times. The board expressed concern that the role of the LPN in critical access hospitals conflicts with the current standards of practice for LPNs. The board directed staff to inform the Dept of Health of the conflict in administrative rules.</p> <p><i>Motion:</i> Olson, seconded by Ding to: DIRECT STAFF TO NOTICE THE NORTH DAKOTA DEPARTMENT OF HEALTH REGARDING THE CONCERN OF INCONSISTENCY OF REGULATION BETWEEN NDAC 33-07-01.1-16 NURSING SERVICES AND NDAC CHAPTER 54-05-01 STANDARDS OF PRACTICE FOR LICENSED PRACTICAL NURSES.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
7.31 Prescriptive Authority Applications	<p><i>Discussion:</i> One individual has submitted an application for prescriptive authority since the last meeting.</p> <p><i>Motion:</i> Sund, seconded by Case to: RATIFY PRESCRIPTIVE AUTHORITY FOR THE FOLLOWING: LAURA WETHERELT, FNP, FORSYTH, MT</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
7.32 Report from Prescriptive Authority Committee	None
7.33 Request from the Pediatric Nursing Certification Board	<p><i>Discussion:</i> A request was received from the Pediatric Nursing Certification Board to recognize the Acute Care Pediatric Nurse Practitioner examination for APRN licensure. The board reviewed a document from NCSBN on the APRN certification examinations. It was noted that the Acute Care Pediatric Nurse Practitioner examination would be classified as a subspecialty examination.</p> <p><i>Motion:</i> Melland, seconded by Sund to: NOT RECOGNIZE THE ACUTE CARE PEDIATRIC NURSE PRACTITIONER CERTIFICATION EXAMINATION FOR LICENSURE AS AN ADVANCED PRACTICE NURSE.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
7.34 National Nursing Stakeholders Meeting on Advanced Practices Nursing – 12/16/04	Kalanek reviewed a report from ANA on the National Nursing Stakeholders’ Meeting on Advanced Practice Nurses held on December 16, 2004. Kalanek indicated that on a national level, states are dealing with certification issues for APRN and whether certification should be used as a basis for licensure.

North Dakota Board of Nursing Meeting Minutes – March 10, 2005

AGENDA ITEM	ACTION
7.35 Request for nominations for participation in Advisory and Expert Panels	<p><i>Discussion:</i> NCSBN is seeking nominations for Advisory and Expert Panels to participate in the study of roles of Nurse Practitioners and Clinical Nurse Specialists. A list of 30 advanced practice nurses was prepared for submission to NCSBN.</p> <p><i>Motion:</i> Olson, seconded by Hegle to: RATIFY THE NOMINATIONS SUBMITTED TO NATIONAL COUNCIL STATE BOARDS OF NURSING FOR THE ADVISORY AND EXPERT PANELS.</p> <p><i>Roll call vote:</i> Case, yes; Dietrich, yes; Ding, yes; Hegle, yes; Melland, yes; Olson, yes; Schell, yes; Sund, yes; Tello-Pool, yes. 9 yes, 0 no, 0 absent. Motion carried.</p>
7.4 Nurse Licensure Compact Update	None
7.5 Administrative Rule Promulgation/Legislative Council Issues	Proposed revisions to NDAC Chapter 54-01-03 Definitions and Chapter 54-07-05 Medication Administration by a Medication Assistant will be heard at a public hearing on April 4, 2005.
7.51 Legislative Bills Affecting State Agencies	Ken Tupa of APT was present to review bills affecting state agencies. Two bills were introduced that affected the ND Nurse Practices Act but both were withdrawn. Mr. Tupa reviewed the bills that affect the process for administrative rules. He indicated there is a perception by some legislators that rules are being implemented without legislative intent and subsequently prefer to have more oversight in the rule making process. HB1468, HB1421, and HB1337 all deal with the administrative rules process. Delayed HB1527, which was drafted by APT, relates to military service, and allows a board on a case by case basis to provide exceptions and be lenient with respect to continuing education or licensure. A nurse who practices without a license and was in the military did testify at the hearing regarding his issue. HB1201 has been amended to state a board must notify individuals within 60 days of receiving a complaint. HB1463 clarifies that individuals applying to boards or commissions serve at the pleasure of the governor. Also discussed were the Physical Therapy Practice Act bill and a bill regarding prescription drug tracking for Medicare/Medicaid clients.
7.6 Website & Renewal	None
7.7 Staff Report	Kalanek reported that Kalanek and Hill have been invited to participate in medication assistant conference panel through the NCSBN. Staff reported on Nurses Day at the legislature.

CONSENT AGENDA:

8.1 NCSBN
8.11 Commissions Study of roles of NP and Clinical Nurse Specialists
8.12 FAQs about TERCAP
8.2 Office Management
8.3 Nursing Practice
8.31 Summary of practice calls
8.32 Correspondence from the North Dakota School Nurses Organization
8.4 Workplace Impairment Program Report
8.41 Statistics
8.5 UAP Issues
8.51 Testing Summary Report
8.52 NNAAP Testing
8.53 Revised NNAAP™ examination
8.6 Licensure
8.61 Licensed Nurse
8.62 Unlicensed Assistive Person
8.63 NCLEX-RN – none
8.64 NCLEX-PN – none
8.65 Annual APRN Survey Results
8.66 National AP Dialogue
8.67 US News and World Report Article: “Nurses Step to the Front”
8.68 Letter to Canadian Nurses re: Visa Screen Requirements
8.7 Discipline
8.71 Disciplinary Statistics/Case Activity Report
8.8 Legal Counsel

North Dakota Board of Nursing Meeting Minutes – March 10, 2005

8.9 Education
8.91 Creighton University – Out-of-state student clinical practice at St Alexius
8.92 Director of Nurse Anesthesia Program – UND College of Nursing
8.93 Wesleyan University – Out-of-state CRNA student clinical practice
8.94 MN State Community & Technical College Practical Nurse Program – Out-of-State student clinical practice.

BOARD COMMITTEES:

9.1 Workplace Impairment Program Committee
9.2 Nursing Education Committee
9.3 Finance Committee – April 19, 2005 at 11:00 a.m.
9.4 Executive Committee – May 19, 2005 at 11:00 a.m.
9.5 Prescriptive Authority Committee
9.6 Nursing Practice Committee
9.7 Nursing Needs Study Steering Committee

UPCOMING MEETINGS & REPORT OF MEETINGS ATTENDED:

10.1 NCSBN Annual Meetings – August 2-5, 2005
10.2 NCSBN Monthly Meetings by teleconference calls and onsite:
10.21 National and State Policy
10.22 Education Consultants
10.23 Discipline Networking
10.24 EO Network
10.25 NLCA Meeting
10.26 Board of Directors Meeting –February 16-17, 2005
10.27 Item Review Subcommittee, Olson & Shanta
10.28 Mid-Year Meeting, March 21-23, 2005
10.29 Commitment to Ongoing Regulatory Excellence – Feb 24-25, 2005
10.30 Practice Breakdown Advisory Panel, March 7-8, 2005 - Bitz
10.31 Committee on Nominations, March 21, 2005 – Bitz
10.3 Annual Institute of Regulatory Excellence
10.4 ND Nurse Leadership Council – March 17, 2005
10.5 NCSBN Executive Officers - April 21-22, 2005
10.6 ND Organization of Nurse Executives- February 18, 2005
10.7 Pearson Vue Item Review Workshop – Representing NCSBN – January 5-8, 2005 Shanta
10.8 Student Nurse of the Year contest judge – January 21, 2005 – Shanta
10.9 American Academy of Nurse Practitioners Meeting – January 8, 2005
10.10 FARB Forum, Scottsdale, AZ, February 4-6, 2005 – Bitz
10.11 Clinical Nurse Leader Conference, Chicago, IL April 13 &14, 2005 – Shanta
10.12 Gateways to Quality & Mobility in the Americas – Hemispheric Conference – May 26-27, 2005 – Kalanek

Staff Presentations:

- 11.1 On-site Consultation with MSU – March 23, 2005 – Shanta
- 11.2 Nurse Practice Act – U of Mary – January 24, 2005 - Kalanek
- 11.3 Delegating Effectively – Trinity Health – February 1, 2005 – Kalanek
- 11.4 Emerging Issues in Nursing Regulation – February 7, 2005 – Dietrich & Kalanek
- 11.5 Nurses Day at the Legislature – February 8, 2005 – Bitz, Kalanek, Dietrich, Tello-Pool
- 11.6 Standards of Practice – SCCI – April 27, 2005 – Kalanek
- 11.7 Delegating Effectively – SCCI – September 1, 2005 – Kalanek
- 11.8 MSU Spring Convocation – April 15, 2005 – Kalanek
- 11.9 Standards of Practice – SCCI – April 27, 2005 – Kalanek

North Dakota Board of Nursing Meeting Minutes – March 10, 2005

11.10 Unlicensed Assistive Person Conference – Crystal City, Washington, CD – June 3, 2005 – Kalanek

11.11 Delegating Effectively – SCCI – September 1, 2005 – Kalanek

11.12 Workplace Impairment Program – Medcenter One College of Nursing – April 29, 2005

11.13 Workplace Impairment Program – MSLCC – March 18, 2005 – Bitz

Board Leadership Discussion:

12.1 Board Governance Model – **The board by consensus directed staff to review criteria for nominating the board for an award for NCSBN.**

12.2 Dakota Nurse Connection - Mar/Apr deadline 3/15; June/July 6/15; Sept/Oct 9/15;

12.3 Role of a Board Member

12.4 Board Meeting Evaluation – Board members are to complete and hand in evaluation forms.

The meeting recessed for lunch from 11:40 to 1:15 p.m.

Tello-Pool left the meeting at 11:10 a.m. and returned at 1:15 p.m. Melland was absent for portions of the meeting.

The meeting adjourned at 4:00 p.m.

Constance B. Kalanek, RN, PhD

Executive Director

Draft 1/28/05